

The decision to request counsel to represent an indigent litigant under § 1915 is within “the sound discretion of the trial court and is granted only in exceptional circumstances.” *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of the “exceptional circumstances” of the plaintiff seeking assistance requires an evaluation of the likelihood of the plaintiff’s success on the merits and an evaluation of the plaintiff’s ability to articulate his claims pro se in light of the complexity of the legal

1 issues involved. *See Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103  
2 (9th Cir. 2004); *Rand*, 113 F.3d at 1525; *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th  
3 Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Both of these  
4 factors must be viewed together before reaching a decision on a request for counsel  
5 under § 1915. *See id.* Plaintiff's motion is DENIED without prejudice, for want of  
6 exceptional circumstances (docket no. 19).

7 IT IS SO ORDERED.

8 DATED: 07/16/08

9   
10 JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED ARTHUR SANDOVAL,  
Plaintiff,

Case Number: CV08-00865 JSW

**CERTIFICATE OF SERVICE**

v.

JAMES TILTON et al,  
Defendant.

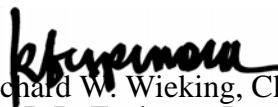
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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 16, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alfred Arthur Sandoval D61000  
Pelican Bay State Prison  
D2-105  
P.O.Box 7500  
Crescent City, CA 95532

Dated: July 16, 2008

  
Richard W. Wieking, Clerk  
By: R.B. Espinosa, Deputy Clerk